

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appl. No. 10/086,831

AMENDMENTS TO THE DRAWINGS

Applicant is attaching herewith one (1) sheet of replacement drawings, which includes FIG. 9. FIG. 9 has been amended to include the legend --Related Art--. The submitted replacement figure is intended to replace FIG. 9 originally filed on March 4, 2002.

Attachment: Replacement Sheet

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REMARKS

Claims 1-18 are all the claims pending in the application. By this Amendment, Applicant editorially amends claims 1-9 and 11-16. The amendments to claims 1-9 and 11-16 were made for reasons of precision of language and consistency, and do not narrow the literal scope of the claims and thus do not implicate an estoppel in the application of the doctrine of equivalents. The amendments to claims 1-9 and 11-16 were not made for reasons of patentability. In addition, Applicant adds claims 17 and 18.

Preliminary Matters

Applicant thanks the Examiner for initialing the references listed on Form PTO/SB/08 A & B submitted with the Information Disclosure Statement filed on March 4, 2002 and May 6, 2004. In addition, Applicant thanks the Examiner for acknowledging the claim to foreign priority and for confirming that the certified copy of the priority document was received.

Finally, Applicant thanks the Examiner for accepting the drawings. By this Amendment, Applicant labels Fig. 9 "Related Art." No new matter is being added.

Summary of the Office Action

Turning to the merits of the Office Action, the Examiner objected to claim 1, rejected claims 11-14 under 35 U.S.C. § 112, second paragraph, and claims 1-16 under 35 U.S.C. § 102(b).

Claim Objection

The Examiner objected to claim 1 because of a minor informality. Applicant has revised the claim, and respectfully submits that the claim as now presented no longer includes the

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potential informality mentioned by the Examiner. Applicant therefore respectfully requests the Examiner to withdraw this objection to the claim.

§ 112, 2nd Paragraph Rejection

Claims 11-14 are rejected 35 U.S.C. § 112, second paragraph. The Examiner's pointing out, with particularity, the aspects of the claim thought to be indefinite, is gratefully noted. Independently, Applicant has amended the claims for improved conformity with U.S. practice. Therefore, it is appropriate and necessary for the Examiner to withdraw this rejection.

Prior Art Rejection

Claims 1-16 are rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,571,153 to Maeda et al. (hereinafter "Maeda"). Applicant respectfully traverses this rejection in view of the following comments.

To be an "anticipation" rejection under 35 U.S.C. § 102, the reference must teach every element and recitation of the Applicant's claims. Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus, the reference must clearly and unequivocally disclose every element and recitation of the claimed invention.

Of the rejected claims, only claims 1 and 7 are independent. Independent claims 1 and 7 include some variation of having a secure communication being of a higher security than the Web communication, where the secure communication is to change a function of the equipment control apparatus. Particularly, claim 1 recites: "changing a function of an equipment control apparatus from outside of said equipment control apparatus via a secure communication...the secure communication is a higher security communication than the Web communication" and

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claim 7 recites: "wherein a communication system of higher security than the Web communication for the monitoring apparatus is provided to change, from outside of said equipment control apparatus, a function of said equipment control apparatus."

For example, in the background of the invention, it is indicated that in the conventional techniques, maintenance, monitoring, and setting of a relay on the relay board is conducted manually by a maintenance man. Alternatively, the power system management such as maintenance monitoring, setting changes, and the like are performed by means of a remote electronic terminal employing a web network. In these remote methods, however, anyone operating the remote terminal at any location may change a setting of the equipment control apparatus. That is, a person simply monitoring the power system may change the setting of the system. In other words, in the conventional remote techniques, unintentional and/or unauthorized changes of the equipment control apparatus may occur.

In the present invention, however, two types of communication systems are provided. That is, for changing a function of the equipment control apparatus, a secure communication is provided. On the other hand, for monitoring, via a monitoring control apparatus, a web communication system is provided. The secure communication system has a higher security than the Web communication system. Accordingly, even in remote management of the power system, unintentional and unauthorized changes in the setting of the equipment control apparatuses are prevented.

The Examiner asserts that claim 1 is directed to a power system management method and that claim 7 is directed to a power system management system. The Examiner further asserts that the method of claim 1 and the system of claim 7 are anticipated by Maeda. The Examiner

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appears to assert that Maeda's supervision server inherently provides a communication network of a higher security than that same communication network and thus is equivalent to having a secure communication system of a higher security than the web communication, as set forth in claims 1 and 7 (see pages 3-4 of the Office Action). Applicant respectfully disagrees with the Examiner. Applicant has carefully studied Maeda's discussion of the supervision server, which communicates via the same communication network in all instances and is not similar to having two ways of communicating, a secure communication when changing a function of the equipment control apparatus and a web communication when simply monitoring the equipment control apparatus, as set forth in claims 1 and 7.

In general, Maeda discloses an electric power system protective control system. The protective control system has digital protective control apparatuses 2a1 to 2a3, which are respectively arranged in a number of electric stations Ts1 to Tsn, substations or the like, for protecting and controlling an electric power system P having various types of electric power system equipment devices. The protective system further includes display/operation apparatuses 3 for monitoring and controlling the operating conditions of the respective digital protective control apparatuses 2a1 to 2a3 from a remote place. For example, the display apparatuses may be provided in a manned substation Th positioned far from the substations Ts1 to Ts3. The system also has supervision apparatuses (supervision servers) 4, which are provided in a manned load dispatching station Tp positioned far from the substations Ts1 to Ts3, and which supervise the plurality of digital protective control apparatuses 2a1 to 2a3 (see Abstract; Fig. 1, col. 11, lines 38 to 67).

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In terms of communication, Maeda discloses that the substations Ts1 to Ts3 (digital protective control apparatuses 2a1 to 2a3), the display/operation apparatuses 3, and the supervision apparatuses 4, are mutually connected to each other through a communication network 6 so that the data communication is permitted among the components 2a1 to 2a3, 3, and 4 (Fig. 1, col. 12, lines 1 to 7). Furthermore, in Maeda, a mobile program module (agent type program module) 7 is made to cyclically go (migrate) in the display/operation apparatus 3, the respective digital protective control apparatuses 2a1 to 2a3, and the supervision apparatuses 4 through the communication network 6 such as a telephone line network, an internet and so on so that the protective control system 1 is constructed (col. 12, lines 1 to 7). Fig. 2 depicts the possible transmission routes of the program module 7.

The Examiner appears to allege that it is inherent that the communication network will be of a higher security when communicating with the supervision server than in other instances (see pages 3 and 4 of the Office Action). The Examiner's ground of rejection is not understood.

To begin, under the doctrine of "inherency," if an element is not expressly disclosed in a prior art reference, the reference will still be deemed to anticipate a subsequent claim if the missing element "*is necessarily present in the thing described in the reference*" *Cont'l Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1268, 20 U.S.P.Q.2d 1746, 1749 (Fed. Cir. 1991). "Inherent anticipation requires that the missing descriptive material is '*necessarily present*,' *not merely probably or possibly present*, in the prior art." (emphasis added) *Trintec Indus., Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 1295, 63 U.S.P.Q.2d 1597, 1599 (Fed. Cir. 2002); see also MPEP § 2112.

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Applicant respectfully submits that a presence of a supervision server does not inherently indicate a higher security in the communication. In Maeda, the supervision server does not protect the data in the protective control apparatus from being changed or modified by unauthorized users. A supervision server may supervise an activity of the protective control apparatuses or the migration process program but that does not inherently suggest a more secure communication, i.e., protection of transmitted data from unauthorized modifications. That is, the supervision server of Maeda does not inherently suggest a more secure communication.

In fact, Maeda explicitly discloses that the security of the communication is the same, as it is performed via the same communication network (Figs. 1-6 and col. 15, lines 14 to 34). That is, in Maeda, there is only one communication network, which communicates data such as program module 7 between the protective control apparatuses, the supervision servers, and the display terminals (operational apparatuses).

Moreover, the Examiner alleges that the display terminals (remote apparatuses) 3 perform the monitoring of the protective control apparatuses 2A1-2A3 and that the supervision server 4 changes the functions of the protection control apparatuses 2A1-2A3 (see pages 3 and 4 of the Office Action). Maeda, however, teaches that the display terminals 3 (remote apparatuses) are provided for monitoring and controlling the operating conditions of the digital protective apparatuses (col. 11, lines 50 to 56). In fact, in Maeda, the program module 7 is prepared in the display terminal 3 (col. 15, lines 3 to 13). As such, contrary to the Examiner's allegations, it appears that in Maeda, the display terminal (remote apparatus) 3 serves as both the monitoring and the controlling apparatus and as such the communication is the same whether the protective control apparatuses are being monitored or changed, i.e., via the communication network 6.

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In short, Maeda fails to teach or suggest a secure communication and a web communication, where the web communication is used for monitoring the protective control apparatuses and the secure communication is used for changing functions of the protective control apparatuses. In Maeda, there is only one type of communication via the communication network such as the internet. For at least these exemplary reasons, claims 1 and 7 are patentably distinguishable from Maeda. Therefore, Applicant respectfully requests the Examiner to withdraw this rejection of claims 1 and 7. Claims 2-6 and 8-16 are patentable at least by virtue of their dependency.

Moreover, dependent claim 2 recites: "different communication lines are provided for the secure communication and the Web communication of the monitoring control apparatus." The Examiner alleges that the lines depicted in Figs. 2 and 5 of Maeda are equivalent to different communication lines for different communication (*see* page 4 of the Office Action). Applicant respectfully disagrees. The lines depicted in Figs. 2 and 5 show possible routes of the program module 7 (*e.g.*, col. 12, lines 27 to 37) and not the communication lines for various types of communication. For at least this additional reason, Applicant respectfully submits that claim 2 is patentably distinguishable from Maeda.

New Claims

In order to provide more varied protection, Applicant adds claims 17 and 18. Claim 17 is patentable at least by virtue of its recitation of: "a web communication network transmitting data to and from the monitoring control apparatus and the equipment control apparatus..." and "a dedicated communication network transmitting data to and from the equipment control apparatus and the change control apparatus." In Maeda, as explained in greater detail above, there is only

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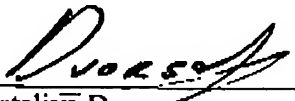
one communication network and neither of the embodiments discloses a dedicated network between some of the devices in the protective control system. Claim 18 is patentable at least by virtue of its dependency on claim 17.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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